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Press Release

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**ATTORNEY GENERAL MCGRAW FILES LAWSUIT TO
SEIZE FUNDS HELD BY UNLICENSED FUNERAL HOME.
PROPRIETOR HAS HABITUALLY DISREGARDED AND
DISOBEYED STATE CONSUMER PROTECTION LAWS.**

Attorney General Darrell McGraw filed suit today against Myers Funeral Home ("Myers"), its owner Frederick Arthur Myers, Jr., and its manager Frederick Dale "Rick" Myers, in the Circuit Court of Kanawha County. The lawsuit alleges that the funeral home has been accepting money from consumers as advance payment for their funeral services but that Myers is not authorized or licensed to sell preneed funeral contracts in the State of West Virginia.

Any funeral home which accepts advance payments from its customers must obtain a special certificate of authority to sell preneed funeral contracts. All contracts and advance payments must be disclosed to the Attorney General in periodic reports so that the handling of consumers' funds can be monitored. Ignoring these requirements, Myers has failed to renew its certificate of authority on numerous occasions and, over the years, a large number of transactions and payments have gone unreported.

Attorney General McGraw's office first investigated Myers in 1994 after the funeral home ignored licensing guidelines, and the investigation revealed a number of contracts and payments from Myers' customers that the funeral home had failed to report. Myers was required to sign an agreement by which the proprietor paid the Attorney General's office all outstanding fees and promised to obey preneed funeral laws in the future.

Problems surfaced again in 2000, when it was discovered that Myers was again conducting preneed operations without valid certification from the state. A subsequent investigation showed yet another set of contracts and payments that the funeral home had accepted without informing the Attorney General's office. Myers was given one more chance to begin complying with state law, and the funeral home signed a second agreement with the Attorney General's office, this time paying a fine.

In 2003, Myers again failed to renew its certificate of authority, and warnings by the Attorney General's office of possible enforcement action were once again ignored. An audit was performed by the Attorney General's office, revealing that Myers' conduct had not changed. Again, numerous payments by funeral home customers for preneed funeral contracts had not been reported. Thereafter, Myers failed to respond to requests by the Attorney General's office to correct its preneed accounts and bring all its filings within compliance with state law.

Because of the funeral home's habitual misconduct, the lawsuit seeks to forever ban the defendants from accepting prepayments from consumers for their funeral purchases and to seize all preneed contract accounts and preneed funds from the defendants to prevent future mishandling. The suit also seeks restitution for any consumers who were harmed by the defendants' conduct, as well as civil penalties and punitive damages for defendants' repeated violations, with interest on all judgments.

Any customers of Myers Funeral Home suspecting that their prepayments may have been mishandled should contact the

Attorney General's Consumer Hotline at 1-800-368-8808 or 304-558-8986.

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